

PATENT
10/059,088

C. REMARKS

In the Decision by the Board of Patent Appeals and Interferences dated 8/5/2005, the Board sustains the anticipation rejection of claims 1 through 3, 5, 6, 8 through 10, 12 through 14, 16, 17, 19 through 21, 23 through 25, 27, 28, and 30 through 32 (Board Decision, p. 4), rejects the anticipation rejection of claims 4, 15, and 26 (Board Decision, p. 4), and explicitly states that claims 7, 11, 18, 22, 29, and 33 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims (Board Decision, p. 1).

First, responsive to the Board rejecting the anticipation of dependent claims 4, 15, and 26, Applicants amend independent claims 1, 12, and 23 to incorporate dependent claims 4, 15, and 26, respectively. Claims 4, 15, and 26 are canceled. Applicants respectfully request allowance of independent claims 1, 12, and 23, now amended to include claims 4, 15, and 26, for which the basis of rejection is reversed.

Second, Applicants note that claims 8 and 19 are amended to correct a typographical error: "within" should read "with".

Third, responsive to the Board stating that claims 7, 18, and 29 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims, Applicants present newly added claims 34, 35, and 36, which are claims 7, 18, and 29 rewritten in independent form including all of the limitations of the base claims. The Decision by the Board indicates that the appeal is from the final rejection of claims 1 through 6, 8 through 10, 12 through 17, 19 through 21, 23 through 28, and 30 through 32 and explicitly states that claims 7, 11, 18, 22, 29, and 33 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims (Board Response, p. 1). In a telephone call on 9/19/2005, the Examiner stated that new claims incorporating allowable subject matter 7, 11, 18, 22, 29, and 33 within an amendment would need to be searched again prior to allowance. Applicants respectfully note that the Board

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Response states that claims 7, 11, 18, 22, 29, and 33 are objected to, but would be allowable if rewritten in independent form which under 37 CFR 1.196(c) provides Applicants the right to amend in conformity with this statement, and the statement will be binding on the examiner in the absence of new references or grounds of rejection. Therefore, Applicants respectfully request allowance of claims 34, 35, and 36 under 37 CFR 1.196(c), as independent claims written to include the limitations of independent base claims 1, 12 and 23 and the explicitly allowable subject matter of claims 7, 18, and 29.

In conclusion, Applicants request entry of this amendment and allowance of claims 1 through 3, 5 through 14, 16 through 25, and 27 through 36.

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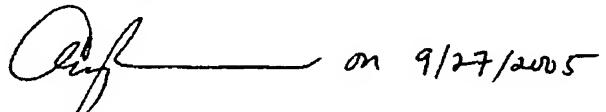
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Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,



on 9/27/2005

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